

Exhibit 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

)
HERMÈS INTERNATIONAL and)
HERMÈS OF PARIS, INC.,)
)
Plaintiffs,)
)
No. 22-cv-00384 (JSR)
vs.)
)
MASON ROTHSCHILD,)
)
Defendant.)
_____)

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF
MASON ROTHSCHILD
Los Angeles, California
Thursday, August 4, 2022
Volume I

Reported by:
ALEXIS KAGAY
CSR No. 13795
Job No. 5329739
PAGES 1 - 429

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

)
HERMÈS INTERNATIONAL and)
HERMÈS OF PARIS, INC.,)
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Plaintiffs,)
) No. 22-cv-00384 (JSR)
vs.)
)
MASON ROTHSCHILD,)
)
Defendant.)

Videotaped deposition of MASON ROTHSCHILD,
Volume I, taken on behalf of Plaintiffs, at
11601 Wilshire Boulevard, Los Angeles, California,
beginning at 9:49 a.m. and ending at 7:52 p.m. on
Thursday, August 4, 2022, before ALEXIS KAGAY,
Certified Shorthand Reporter No. 13795.

1 A No. Like I said, it was an idea, and then --
2 then we never really pursued. We started working on,
3 like, Terminal 27.

4 Q Okay. Now, you said before, your fiancée.

5 Can you tell us your fiancée's name? 10:37:12

6 A Ericka del Rosario.

7 Q And so you said you and your fiancée were
8 the -- I guess -- well, strike that.

9 As I understand it, you said Temporary
10 Contemporary was an idea that you and your fiancée came 10:37:35
11 up with.

12 Were there any other collaborators involved in
13 this -- in Temporary Contemporary?

14 A No.

15 Q Okay. A little while earlier, when we looked 10:37:50
16 at that article, there was -- it talked about a project
17 called "Art School Dropout."

18 MR. MILLSAPS: Sorry, which article are you
19 referring to, Counsel?

20 MR. WARSHAVSKY: I think we only looked at 10:38:03
21 one, but it was Exhibit 2.

22 Actually, I'm also going to show --

23 Can we give Exhibit 6, please, Madam Court
24 Reporter.

25 (Exhibit 6 was marked for identification 10:38:35

1 by the court reporter and is attached hereto.)

2 BY MR. WARSHAVSKY:

3 Q Have you ever seen this document before?

4 A Yes.

5 Q Can you tell me what you understand it to be. 10:39:06

6 A It's a Hypebeast article referring to a

7 T-shirt I created -- or t-shirts I created in 2015.

8 Q Okay. And this article says that you created

9 t-shirts that feature the words "Parsons," "Central

10 Saint Martins" and "Antwerp." 10:39:33

11 Is that accurate about what you did at the
12 time?

13 A Yes.

14 Q Okay. Did you create any other t-shirts?

15 A Like, ever? 10:39:48

16 Q In connection with this project.

17 A No.

18 Q How long did this project last?

19 Well, let me -- let me ask a different

20 question. 10:40:03

21 What -- what would you describe this projet
22 as?

23 A A T-shirt that I sold.

24 Q That's it?

25 A It was -- it was actually my -- my fiancée, or 10:40:11

1 my girlfriend at the time, had just dropped out of art
2 school, so I kind of spoke to that. It was kind of
3 like a contrast of art schools not having just standard
4 collegiate merchandise that normal colleges have.

5 Q Do you remember how many of these were sold? 10:40:33

6 A It was -- it was a lot. I don't remember the
7 exact number.

8 Q More than a thousand?

9 A Less than a thousand.

10 Q Less than -- 10:40:52

11 A I didn't have enough, like, money to produce.
12 I was, like, a kid.

13 Q How did you make these t-shirts?

14 A Screen printer.

15 Q So did you own the screen printer, or is that 10:41:00
16 print on demand?

17 A I went to a screen printer. I did them
18 physically, like, myself, but I didn't own the screen
19 printer.

20 Q Do you remember which screen printer you went 10:41:12
21 to?

22 A It was in San Francisco. I don't remember the
23 name. It was in, like, the Mission District of
24 San Francisco.

25 Q This article refers to you as "LA-based 10:41:26

1 designer Mason Rothschild."

2 Do you know why it would refer to you as
3 L.A. based if you were in San Francisco?

4 A I -- I'm from L.A. I'm from Pasadena, yeah.

5 Q Thank you for explaining that. 10:41:47

6 Did you work with anyone on this project?

7 A No. Just me.

8 Q Okay. And so "Parsons" here refers to the
9 Parsons School of Design?

10 A Yes. All the art schools. 10:42:09

11 Q Okay. Central Saint Martins is an art school
12 as well?

13 A In London.

14 Q In London, okay.

15 And Antwerp. 10:42:17

16 A Also --

17 Q An art school?

18 A Yeah, in Antwerp.

19 Q In Antwerp, okay.

20 Did you have permission from Parsons School of 10:42:22
21 Design to make this shirt?

22 A No.

23 Q Did you have permission from Central Saint
24 Martins to make this -- to make the shirt that featured
25 its name? 10:42:39

1 A No. But we did after the fact. Like, they
2 really liked the shirt, so they actually ordered some
3 for their faculty.

4 Q Central Saint Martins did?

5 A Uh-huh. 10:42:49

6 Q And did you have permission from the Antwerp
7 school to make a shirt featuring its name?

8 A No.

9 Q Did you seek permission from either Parsons or
10 Antwerp? 10:43:06

11 A No.

12 Q And I -- I think you said before something
13 about this being -- that somehow this was providing
14 commentary -- that's my word -- on art schools.

15 Can you explain what you mean by that? 10:43:24

16 A Yes. You know, normal, like, colleges, like
17 University of San Francisco or any other, like, major
18 school has the varsity font t-shirts. Art schools
19 don't really have stuff like that. So I wanted to kind
20 of speak to the fact that, like -- honestly, like, at 10:43:43
21 the time, art schools had really, like, ugly
22 merchandise. Like, they had no, like, good design for
23 their shirts, and none of their students would be,
24 like, excited to wear it. So I made them something
25 simple. 10:43:59

1 So it was kind of like a counter to, like, art
2 schools going the extra mile and trying to be super,
3 super creative when all the students really wanted was,
4 like, something very simple.

5 Q Okay. Okay. If we go to the -- page 2 of 10:44:10
6 this document, which is -- I'm sorry, on mine, the
7 Bates numbers are cut off, so I need some help from my
8 colleague. It's Bates number HERMES_0010546. And we
9 look -- there's a comment from someone named -- whose
10 handle is crazy- -- crazy8er (sic), it looks like. I 10:45:05
11 can't -- I -- I'll read this. It's --

12 A krazysk8er.

13 Q krazysk8er, okay.

14 He says (as read):

15 "The real parsons apparel are made by 10:45:19
16 champion too."

17 Did you know that?

18 A No.

19 Q Okay. Do you -- do you know if that's true or
20 not? 10:45:28

21 A I don't know. And I think it gets, like --
22 somebody else says, like, it's made by American
23 Apparel, under it, and then he's like, oh, "mines
24 champion."

25 Q Yeah. 10:45:41

1 A They're, like, robots wearing her -- her
2 clothing.

3 Q Okay. Is that -- is Mowalola the name of a
4 designer?

5 A Yes. 12:49:34

6 Q Okay. And was that digital art?

7 A Physical and digital.

8 Q Physical and digital.

9 And was the digital art made in connection
10 with an NFT? 12:49:46

11 A No.

12 Q How was it made? What -- what was -- was
13 there a --

14 A It's a campaign, yeah.

15 Q It's a campaign. So social media campaign? 12:49:55

16 A Yeah.

17 Q Okay. Any other projects?

18 A Fashion, no.

19 Q Okay. All right. What -- what was the first
20 project you did in connection with web3? 12:50:06

21 A I made a chair.

22 Q Okay. Earlier, you spoke about making a chair
23 in real life and digital art.

24 Is that the project you're referring to?

25 A No. 12:50:26

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1 Q Okay. Who did you make the chair for?

2 A I just made a chair and -- and posted it.

3 Q Okay. And where did you post it?

4 A On social media and Foundation.

5 Q What's Foundation? 12:50:37

6 A A website.

7 Q When did you first get involved with NFTs?

8 A Early last year.

9 Q Early 2021?

10 A Uh-huh. 12:50:53

11 Q Was your involvement in making NFTs or
12 something else?

13 A I was making artworks that are sold by using
14 NFTs.

15 Q Okay. And what was the first project you made 12:51:01
16 that involved an NFT?

17 A The chair.

18 Q Okay. Did you sell that chair?

19 A Yes.

20 Q For how much? 12:51:18

21 A At the time, like, 4,000 U.S.

22 Q Okay. You said 4,000 U.S.?

23 A Yeah.

24 Q Okay. What other digital images have you made
25 in connection with NFTs? 12:51:41

Page 119

1 A Yes.

2 Q Okay. If you just used the word "Birkin
3 NFTs," would that be commentary on what was going on in
4 web3 at the time?

5 MR. MILLSAPS: Objection; form. 03:05:41

6 You can answer.

7 THE WITNESS: No. Because there's "meta"
8 before it.

9 BY MR. WARSHAVSKY:

10 Q Okay. So "Birkin NFT" would not be commentary 03:05:47
11 on web3 at the time?

12 A It would. It's just a title.

13 Q It would be commentary.

14 So how would "Birkin NFT" be commentary of --
15 of web3 at the time? 03:05:59

16 A The artwork itself is a commentary.

17 Q I see. So it's not the name now; it's the
18 artwork we're talking about?

19 A It's both. It's a -- it -- they go hand in
20 hand with each other. 03:06:09

21 Q Okay. So when you say getting a Cease and
22 Desist letter from Hermès would be helpful for your
23 commentary, how is that helpful for your commentary?

24 A It brings attention to the fur-free movement
25 that I initially set out to achieve. 03:06:40

Page 189

1 Q So if Hermès writes to you that you are
2 infringing its trademark on Birkin -- in Birkin, that
3 brings attention to fur-free?

4 A Yeah, since the commentary -- the artwork
5 represents a fur-free initiative. 03:06:56

6 Q I see. Now, wouldn't you have to publish
7 Hermès' Cease and Desist for that to work as
8 commentary?

9 A Cease and Desist is a -- is a document that
10 exists; right? It's a public document. 03:07:10

11 Q So if Hermès sent you a Cease and Desist and
12 just was a letter from Hermès to you, that would be
13 commentary?

14 A The letter itself wouldn't be commentary.

15 Q Well, you just said to me that the Cease and 03:07:28
16 Desist letter would be commentary.

17 A Towards the artwork. The artwork would serve
18 as a commentary.

19 Q Well, let's go back to what you wrote to your
20 friend, Danny Winter. (As read): 03:07:42

21 "Cease and Desist would help tbh."

22 You said that would help because it's
23 commentary. And now I just asked you what about the
24 Cease and Desist would be commentary, and now you're
25 telling me it wouldn't be commentary. 03:08:00

Page 190

Document title: Mason Rothschild ART SCHOOL DROPOUT Tshirt | HYPEBEAST
Capture URL: <https://hypebeast.com/2015/11/mason-rothschild-art-school-dropout-tshirt>
Page loaded at (UTC): Mon, 01 Aug 2022 16:20:15 GMT
Capture timestamp (UTC): Mon, 01 Aug 2022 16:21:14 GMT
Capture tool: v7.14.1
Collection server IP: 34.230.137.168
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Mason Rothschild "THE ART SCHOOL DROPOUT" T-Shirt Collection

Rep your fashion school.



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Fashion

Nov 16, 2015

13,821 Hypes

0 Comments

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Ashleigh Kim

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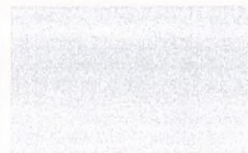
More

LA-based designer Mason Rothschild drops a capsule collection of classic collegiate apparel-inspired T-shirts for art and fashion students. The range is comprised of three T-shirts offered in white and gray and feature "PARSONS," "CENTRAL SAINT MARTINS" and "ANTWERP" slogans in honor of some of the top art schools in the world.

Pre-order yourself an "ART SCHOOL DROPOUT" tee online for \$50 USD. Shipping is guaranteed by December 24.

MASON ROTHSCHILD

Shop on HBX





Maison Margiela
Number Ring Pendant Necklace
US\$465



Maison Margiela
Oversized Pinstripe Shirt
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jasongraston · 7 years ago

This looks like it was made by an art school dropout

16 ^ | v · Reply · Share



BellusVerus · 7 years ago

come on, i can do better than that

^ | v · Reply · Share



jasongraston · 7 years ago

@Mase on twitter

^ | v · Reply · Share



kK · 7 years ago

These things are just photoshop mockups made in 10 mins
Definitely an art school dropout...

3 ^ | v · Reply · Share



WHADAFUNK · 7 years ago

\$50 lmao

2 ^ | v · Reply · Share



SHERA127 · 7 years ago

i keep saying this but why dudes be so lazy, y'all cant take your own product shots? design is shit and on top of that they are on top of supreme tees... y'all LOUSY as fuck smh

2 ^ | v · Reply · Share



Ashy Muthafuckin Larry · 7 years ago

*champion

^ | v · Reply · Share



SHERA127 · 7 years ago

*photoshop
look at a supreme tee product shot. google it broski

^ | v · Reply · Share



Ashy Muthafuckin Larry · 7 years ago

oh god, here we go i'm about to search lol

1 ^ | v · Reply · Share



youngclen · 7 years ago

Agreed that this is very easy to do and a simple concept but it's dumb to me that people are saying lazy. The schools don't have quality athletic programs so this person decided to make some classic stereotypical athletics tshirts for the schools. That's it, wasn't supposed to be elaborate

2 ^ | v · Reply · Share



Marty Funkhouser · 7 years ago

its lazy cuz virgil abloh just did this. Also with champion tees. like at least use something else? lol

1 ^ | v · Reply · Share



krazyk8er · 7 years ago

and actually the real parsons apparel are made by champion too

1 ^ | v · Reply · Share



mogizzle · 7 years ago

american apparel

^ | v · Reply · Share



krazyk8er · 7 years ago

mines champion.

^ | v · Reply · Share



Marty Funkhouser · 7 years ago

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1	Under Armour	NYSX	0.01 (+0.05%)
2	Nike	NYSX	0.00 (+0.00%)
3	VF Corp	NYSX	0.86 (+1.92%)
4	Tapestry	NYSX	0.22 (+0.64%)
5	Gildan	NYSX	0.53 (+1.82%)

americas...
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krazy88er → mogizzle · 7 years ago
 mines champion.
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Marty Funkhouser · 7 years ago
 is this just the same shit virgil abloh did? yall some mr me toos
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John_Breckin → Marty Funkhouser · 7 years ago
 "yall some mr me toos"
 Love this line
 "Mr Me Toos" is the new "Shark-ass niggas"
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SAHNM0EFOOLHEEM → John_Breckin · 7 years ago
 You need a Hell Hath No Fury session smh
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MARC · 7 years ago
 how about FIT?
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VivalaFranz → MARC · 7 years ago
 haha did you attend? I remember I was surprised as heck when I found out they had a basketball teams lmao
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vividual · 7 years ago
 so lazy
 Reply · Share

JunglexJulian · 7 years ago
 December 24th? Its not even November 24th.
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Jamil yeo · 6 years ago
 Ordered one of these shirts after seeing this article didnt get a confirmation email till feb then never got shipped out. Emailed the dude to let him know a few months later, so he is aware of it, said his team missed it then has never replied to further emails Give me my \$50
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5	Gildan	NYSSE	0.53 (+1.82%)

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Fashion

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By Nicolaus Li / Jun 23, 2022

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Fashion

BE@RBRICK x CDG Reveal Limited Edition T-Shirts

Releasing a short-sleeve and long-sleeve version, available in black and white.

By Hansel Chang / May 17, 2022

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Music

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Footwear

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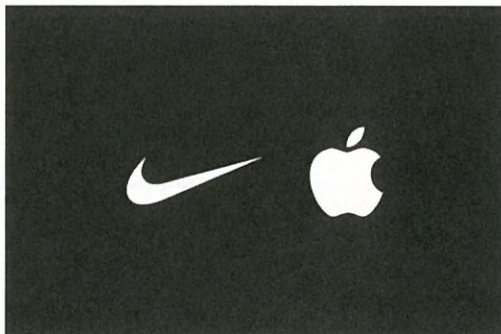
Fashion

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By Zarah Cheng / Nov 16, 2015

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And Forever 21 beat out adidas.

By Ashleigh Kim / Nov 16, 2015

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Young Thug - Magnificent (Produced by London On Da Track)

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Fashion

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Brutttttttt.

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🔥 9,994 Hypes 💬 0 Comments



Music

Sir Michael Rocks - In My Mode

One of the unsung heroes of the underground.

By Patrick Montes / Nov 16, 2015

🔥 120 Hypes 💬 0 Comments



Music

Justin Bieber - What Do You Mean? (Dark0 Remix)

Because the people requested it.

By Patrick Montes / Nov 16, 2015

🔥 165 Hypes 💬 0 Comments



Music

Joey Bada\$\$ Unveils Video for Kiesza Collab "Teach Me"

Just bust a move.

By Patrick Montes / Nov 16, 2015

🔥 116 Hypes 💬 0 Comments



Fashion

The Word of the Year Is an Emoji

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Music

Preview Adele & Tobias Jesso Jr.'s Collaboration off '25'

Tobias Jesso Jr.'s dream collaboration: Kanye or Drake.

By Patrick Montes / Nov 16, 2015

83 Hypes 0 Comments

Music

Kid Cudi Unveils the Artwork for 'Speedin' Bullet 2





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Music

Kid Cudi Unveils the Artwork for 'Speedin' Bullet 2 Heaven'

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10 100 Hypes 0 Comments



Fashion

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'Black Market' arrives December 4.

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Fashion

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"I felt a responsibility to reach people where they were."

By Madrell Stiney / Nov 16, 2015

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Mason Rothschild "THE ART SCHOOL DROPOUT" T-Shirt Collection

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Fashion

Nov 16 2015

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Ashleigh Kim

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LA-based designer Mason Rothschild drops a capsule collection of classic collegiate apparel-inspired T-shirts for art and fashion students. The range is comprised of three T-shirts offered in white and gray and feature "PARSONS," "CENTRAL SAINT MARTINS" and "ANTWERP" slogans in honor of some of the top art schools in the world.

Pre-order yourself an "ART SCHOOL DROPOUT" tee online for \$50 USD. Shipping is guaranteed by December 24.

MASON ROTHSCHILD

Shop on HBX

